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MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450, on the date shown below.

Dated: September 30, 2004 Signature:

(Stephen B. Goldman)

ocket No.: OSTEONICS 3.0-449  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Cusick et al.

Application No.: 10/766,789

Group Art Unit: 3732

Filed: January 27, 2004

Examiner: Not Yet  
Assigned

For APPARATUS FOR ALIGNING AN  
: INSTRUMENT DURING A SURGICAL  
PROCEDURE

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

**MAIL STOP MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing please find a Declaration and Power of Attorney in connection with the above-identified application. Please charge our Deposit Account No. 12-1095 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(e). Also enclosed is a copy of PTO form entitled "NOTICE TO FILE MISSING PARTS OF APPLICATION."

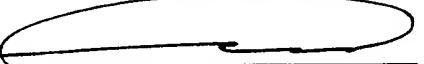
If the Examiner has any questions concerning this application, he or she is requested to call Applicant's attorney at (908) 654-5000. If any additional fees are required by the

Application No.: 10/766,789

present Communication, the Examiner is hereby authorized to charge them to our Deposit Account No. 12-1095.

Dated: September 30, 2004

Respectfully submitted,

By   
Stephen B. Goldman

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600 South Avenue West  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/766,789	01/27/2004	Michael J. Cusick	OSTEONICS 3.0-449

CONFIRMATION NO. 4013

000530  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

*Due  
14 Jul 2004  
SBC*

## FORMALITIES LETTER



\*OC000000012934006\*

Date Mailed: 06/14/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

10/06/2004 WASFAH1 00000043 121095  
01 FC:1051 130.00 DA

*T.L.W.*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART I - ATTORNEY/APPLICANT COPY